

Arising Out of PS. Case No.-170 Year-2024 Thana- HALSI District- Lakhisarai

Arising Out of PS. Case No.-170 Year-2024 Thana- HALSI District- Lakhisarai

- ... .. Appellant/s

Versus

- ... .. Respondent/s

|                      |   |                            |
|----------------------|---|----------------------------|
| For the Appellant/s  | : | Mr.Amrendra Kumar          |
| For the Respondent/s | : | Mr.Binay Krishna           |
|                      |   | Ms.Minakshi Kumari         |
|                      |   | Mr.Munish Kumar            |
|                      |   | Mr.Munna Raj               |
|                      |   | Mr.Shitanshu Shekhar Kumar |
|                      |   | Mr.Gaurav Kumar            |
|                      |   | Mr.Sudhanshu Shekhar Kumar |

5      22-01-2026                  1. Heard the learned counsel for the appellants and  
the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 31.07.2024 passed by the learned A.D.J. 1<sup>st</sup> cum-Special Judge, SC/ST Act, Lakhisarai in connection with Halsi P. S. Case



No.170 of 2024, instituted for the offences under Sections 147, 149, 341, 323, 379, 354, 307, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 08.06.2024 at 8.00 P.M., nine named accused persons including the appellants came to her house and started abusing and Bittu asked about her husband and abused by taking caste name. On objection, Bittu and Shatrughan started assaulting and Bittu tore her clothes and thereafter, Chhotu and Mannu assaulted her husband by an iron rod causing injury on his head, thereafter Nayan assaulted Bajrangi by rod causing injury on hand and Guddan snatched her chain and accused fled threatening that they must give vote to a particular political party.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of abuse is general and omnibus in nature. It is further



submitted that even allegation of assault is not specific as it is alleged that Chhotu and Mannu assaulted her husband by an iron rod causing injury on his head. It is further submitted that allegation of assault is not specific against Chhotu and Mannu though Bittu and Nayan are alleged to have assaulted informant and Bajrangi, but then, the injury suffered by them has been opined to be simple. It is next submitted that as far as allegation of snatching chain is alleged against Guddan, the same is ornamental. It is further submitted that even presuming what has been alleged is true, then the occurrence is not alleged to have taken place in public view and the allegation appears more political in nature. It is reiterated and submitted that the injury suffered by the injured has been opined to be simple in nature.

5. The learned Special P.P. and the learned counsel appearing on behalf of the informant opposes the appeal, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that occurrence is not taken place in public view and the injury suffered by the injured has been opined to be simple and that the dispute is more political in nature.

6. Regard being had to the aforesaid submissions, the order dated 31.07.2024 is set-aside.



7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 1<sup>st</sup> cum-Special Judge, SC/ST Act, Lakhisarai in connection with Halsi P. S. Case No.170 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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